



**Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting**

August 20, 2014

6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

**Planning
Board
Approval:**

9/3/14

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 PM by Planning Board Chair Starr Leyva.

Roll Call: Starr Leyva, Rick Williams, Ron Homeyer, Ashley Tucker, Mark Curtis, and Jim Cole were present.

Staff present: Administrator of General Services - John Sudduth, Building Official – Glenn Tracy, Planning Director – Rinkey Singh, Planning Manager – Kevin Gambrill, Senior County Planner – Mike McConnell, and County Planner - Taylor Reamer were present.

Public Present: 6 members of the public were present. (See attached sign in sheet for additional information).

Disposition of Minutes: Mr. Curtis moved to approve the August 6, 2014 Planning Board Meeting Minutes. The motion was seconded by Mr. Tucker. The motion carried 6-0.

General Public Comment: None

Old Business: None

New Business:

- A. TowMate LLC, Site Plan Review – Major Amendment, #14-460, 15704 + 15764 E Hwy 12, Rogers 18-03384-006**

Represented by Gary Davis, PE and Bryan Anderson, TowMate LLC 15704 E Hwy 12, Rogers

Staff Report: TowMate, LLC assembles, ships, and sells wireless LED lighting systems. The systems are attached to tow trucks and other large vehicles. On 7/16/14, the applicant, TowMate, LLC, submitted an amendment to the previously approved Large Scale Development (*Case No. 14-353 - approved 3/5/14*) at the subject property. The initial site plan approval entailed an 11,124 sq. ft. manufacturing building (15704 Hwy. 12), associated parking, septic disposal system, and other site improvements. It is important to note here that the initial site plans also included a gravel parking area in the far northeastern corner of the parcel, accessed via Hoover Pt. Rd. (private roadway), then crossing over Bear Creek. This parking area showed 18 standard parking spaces to supplement the 26 standard spaces shown adjacent to and fronting along the main building. Present application proposes to construct a 5,600 sq. ft. manufacturing building (*assigned E-911 address - 15764 Hwy. 12*) on the described parking area in the northeast corner of the parcel. The site plan amendments submitted with this application include the proposed building, 14 standard spaces with 1 ADA accessible, and public water connection. Per Staff comments, applicant has shown an alternate septic disposal system (tank) on site plan amendments dated 8/12/2014. Initial descriptions from the applicant stated they intended to employ up to 30 persons in the years to come. Presently, the main building employs

approximately 21 persons, with the proposed building to employ an additional 8 persons. Staff has verified that the driveway has expanded westward beyond the previously approved parking area for the main building (case 14-353). The applicant has included this expanded driveway area along with all other improvements as part of the entirety of the subject property (*see revised site plans dated 8/12/2014*). The project is within an MS4 area. For the initial application, a SWP3, and applicable drainage reports were submitted and ultimately, the site was issued a County Stormwater permit on 9/12/13 (# 2013-315).

To date, the following items are outstanding:

1. AHTD confirmation as to whether or not the proposed use of existing access drive from Hwy. 12 to proposed 5,600 sq. ft. building will require a separate AHTD access permit.
2. Updated service confirmation letters (form 'F') for electrical and water, verifying that these services will be provided to the existing bldg. (15704 Hwy. 12) and the proposed bldg. (15764 Hwy. 12).
3. ADH approved design for the on-site septic and disposal system for the proposed 5,600 sq. ft. building.

Considerations for the Board:

1. Conditional approval for major amendment to an approved Site Plan based on the following:
 - a. Outstanding Items –
 - i. Applicant agrees to address outstanding items one (1) and two (2) on or before August 22nd, 2014.
 - ii. Applicant agrees to address outstanding item three (3) prior to the issuance of a building permit.
 - b. Standard Conditions – applicant agrees to the standard conditions

Applicant Comment:

Mr. Davis stated he had been in contact with AHTD about the eastern drive. The drive is not to the requirements for a commercial drive and a 24 ft. ROW and entrance improvements will be done to meet minimum standards set by AHTD. ADH had originally submitted the proposal for in ground septic lines, but due to the proximity to Bear creek, a holding tank design was thought to be a better system. The tank design has been submitted to ADH.

Mr. Tucker asked about the status of service letter agreement forms for this project.

Mr. Anderson stated he has the agreement forms from Carroll electric, city of Rogers for water, and waste management that can be submitted tonight.

Mr. Anderson stated that he wanted to address the biggest concern for neighbors. The flooding that has occurred on this property has been addressed and the debris problem in the creek will not be a problem again. Mr. Anderson stated he has acquired a piece of equipment to clear any debris that may be washed into the culverts causing flooding on surrounding properties.

Mr. Davis stated that to control flooding, water needs to move off the property as quickly as possible. This property has drainage swales to aid in moving water off the property. The culverts that have been installed with approval from the Army Corps effecting allow the conveyance of water down Bear Creek. The flooding that occurred in 2013 on this property was a 100 year storm; this magnitude of storm will cause flooding no matter what drainage improvements are installed. The best way to control flooding on this property is maintenance of the culverts to keep them clear and allow free flow of water down the creek.

Mr. Tucker asked Mr. Davis if the drainage calculation for 'pre-development' was for pre-construction of the current building.

Mr. Davis stated the figures used for these calculations were pre-development of any structures on site.
Mr. Tucker stated there is a 5.5 cfs increase over 5 years.

Mr. Gambrell asked the applicant how the coefficients that were used in the drainage study were derived.
Mr. Davis stated that all impervious coefficient used was .95 and the pervious coefficient used was .20 and calculated out the runoff number was .38. This was a calculated number rather than a number derived from a development chart.

Mr. Tucker asked if the addition of the new building required larger culverts.

Mr. Davis stated he did not incorporate the small area of impervious development created from the proposed building.

Mr. Anderson stated that the size of the culverts installed previously were beyond what was required, two were required the third was installed for additional safety.

Public Comment:

Charlie Schroeder, 8995 Summer Shade, Rogers, AR

Mr. Schroeder handed out photos of the flooding event that occurred last year. He stated he owned the property next to Mr. Anderson's and has experienced major flooding multiple times. He has concern with the safety of getting debris out of the creek at peak flow. Mr. Schroeder stated that the box culverts under Hwy 12 are much larger than the three culverts that Mr. Anderson installed. How will the large volume of water flowing through the culverts on Hwy 12 will in any way flow through the three smaller culverts on Bear Creek.

Mr. Williams asked Schroeder what he has done to control flooding on his property.

Mr. Schroeder stated he has been in works with Mr. Anderson to install a drainage ditch, but the ditch never got installed due to misunderstanding.

Mr. Williams stated the improvements upstream from Schroeder's property have improved the drainage of area of Bear Creek.

Mr. Schroeder stated that the culverts installed on Bear Creek do not adequately allow flow down the creek. The creek is choked by the three tube culverts and bridge and backs up water.

Mr. Tucker stated the box culverts under Hwy 12 as the input source funneling into the three tube culverts in Bear Creek would essentially equate to the water covering 136 feet wide at 1 foot deep. If this were to take place, where would the water reach onto Schroeder's property.

Mr. Schroeder stated the water would reach the house.

Mr. Tucker asked how high the house was raised.

Mr. Schroeder stated he did not have that figure.

Ms. Leyva asked Staff to confirm that Benton County Planning had no decision in the type, size, or placement of the culverts in question. This matter was under the authority of the Army Corps of Engineers.

Ms. Singh confirmed.

Mr. Curtis asked about the fill on Schroeder's property.

Mr. Schroeder stated he is filling in a small area of his property, to protect from flooding.

Devon Cerniga, 1405 Barberry Lane, Bentonville AR

Mr. Cerniga stated he is the property owner across Hwy 12. He stated that as the flooding occurs if there is any water impediment upstream from this property, the flooding waters will raise onto his property putting his storage facility at risk. If there is anything blocking the culverts, his property is in danger of flooding and

putting his business in danger.

Board Comment:

Mr. Tucker asked Staff if any contact with the Corps of Engineers had been done about water flow in Bear Creek near the subject property.

Ms. Singh stated that in December of last year a Corps representative had walked the property with Mr. Anderson and Mr. Schroeder.

Mr. Tucker questioned if the size of the drainage basin is adequate for the property and high potential for flooding.

Mr. Anderson stated that when the representative from the Corps walked the property, it was deemed the drainage way was on Schroeder's property and a permit would need to be sought by Schroeder. The rainfall of last year cannot be the point of emphasis for these properties; any normal rainfall that is to occur will be monitored to ensure the free flow of water down Bear Creek.

Mr. Sudduth stated this area is not in a FEMA designated floodplain.

Mr. Tucker asked if any of the outstanding items have been addressed.

Mr. Gambrill stated item number 2 will be addressed tonight when the applicant supplies copies of the service confirmation forms, items 1 and 3 are officially outstanding.

Ms. Leyva asked if the applicant would be able to address outstanding item number 1 in two days.

Mr. Davis stated he did not see a problem with that time table set by the Board. Monday the AHTD application for the access drive permit was sent.

Vote: Mr. Williams made a motion for approval with stipulations. Mr. Curtis seconded the motion. The motion carried 6-0.

1. Conditional approval for major amendment to an approved Site Plan based on the following:
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Public Hearing adjourned at 6:55pm.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:55pm

Old Business: None

New Business:

- B. T.H. Black Properties, Ridgeline, #14-473, 14723 AR Hwy 62, Garfield 18-04268-000
Represented by Nathan Morton, 8 W Montgomery, Fayetteville

Staff Report: Charles Reeves, applicant for the property owner, T.H. Black Properties, LLC., is proposing to construct a 5,270 sf retail/commercial building on the subject property. The proposed structure would be

occupied by two separate uses; a liquor store (4,410 sf +/-) and a pizza café/restaurant (860 sf +/-). Among the improvements to the site, applicant proposes to install an on-site septic and disposal system, electrical, plumbing, interior renovations, and landscaping improvements along the north, east, and western periphery of the site. Presently, the site is improved with an abandoned 1,600 sf manufactured home, two access aprons from AR Hwy. 62, and secondary ingress/egress driveway extending from a private driveway along the western side of the property into the site, and an asphalt pad along the properties frontage to the south of AR Hwy. 62. All existing improvements are to be removed, save for the existing asphalt pad to the front, which may be removed, or possibly topped off with a layer of asphalt / macadam.

To date, the following items are outstanding:

1. Arkansas Department of Health (ADH) verification of septic system design approval.
2. Certified Mail receipts postmarked by 8/20/2014
Public Hearing sign posted on site w/ photograph date stamped on or before 8/20/2014.
3. Site Plan revisions to include the following: Parcel acreage; ex. and prop. bldg. GFA; ex. and prop. impervious coverage; required parking spaces; provided parking spaces (*itemize parking requirements based on each use - i.e. liquor store = 'other commercial' while pizza restaurant = 'restaurant, or fast food'*); all setbacks shown (*centerline and property line to building*); dimensions for existing curb-cut ingress/egress widths from Hwy. 62, inset graphic showing typical parking dimensions (both standard and ADA) as required; separate loading areas shown; proposed location of fence with notation for height and type (*for example - '6ft. Board-on-Board'*), ADH septic system shown on overall site plan (currently on separate diagram); notation of full cut-off lighting for proposed bldg.; for existing access curb-cuts, revise site plan to show one-way ingress from AR Hwy. 62 for the western portion and a one-way egress onto AR Hwy. 62 for the eastern portion (Staff to initiate access and circulation discussion with Planning Board).
4. Drainage statement / report from Certified Engineer confirming the adequacy of Stormwater management on-site, and indicating if Stormwater management systems will be required to mitigate site runoff (must include runoff coefficients).
5. ADEQ Notice of Coverage to be obtained for the proposed development.
6. State issued Liquor License submitted to Staff.
7. Compliance with Sec. 7.8C regarding hours of operation and exterior advertising signage limitations

Applicant Comment:

Mr. Morton stated he thought he had addressed all outstanding items on the new site plans. The only question was the detail of loading zone, how many are needed. He also stated he changed the turning area from truck and boat turning to a larger turning radius.

Mr. Tucker asked what radius he used to calculate the turning area.

Mr. Morton stated he used a 41.5 foot outside radius, what is used for a fire pump truck.

Mr. Tucker stated semi-trucks could not make this turn around, a no trucks sign will need to be installed.

Mr. Curtis asked if the radius is designed for a beer delivery truck.

Mr. Morton confirmed the 41.5 foot outside radius was used for fire trucks.

Mr. Curtis asked about the residential access drive to the east.

Mr. Morton stated there was an easement to the trailer house that will no longer be in place.

Ms. Leyva asked where the actual location of the well house was on site.

Mr. Morton stated he would have to confirm with the septic designer.

Ms. Leyva stated a licensed well driller would have to certify the well was closed properly.

Ms. Leyva asked if the pizza restaurant was dine-in only or if a drive through would be on site as well.

Mr. Morton stated dine-in only.

Ms. Leyva asked how far along the septic process was and that a grease trap will be needed for the pizza restaurant.

Mr. Tucker stated this area has been difficult to obtain an approved septic permit.

Mr. Morton stated he was not sure if perc testing has been done.

Mr. Morton stated he talked to ADEQ and a permit was not needed for 5 acres or less, but proper paperwork would be on site during construction.

Mr. Tucker asked if the eastern drive aligned with Hwy 72.

Mr. Gambrill stated it appears they line up on the site plan.

Ms. Leyva asked for the square footage of each use.

Mr. Morton stated 4300 sq. ft. for liquor store and 800 sq. ft. pizza restaurant.

Ms. Leyva stated 6 four sitter booths.

Mr. Curtis stated that the increased activity and the widening construction of Highway 72, coming from Hwy 72 to this property would be very dangerous.

Mr. Tucker stated Highway Departments generally require drives to align.

Mr. Morton asked if the Highway department would alter the intersection in the widening process.

Mr. Gambrill stated that from comments from AHTD two other options are possible: re-orienting the drives or consolidating to one drive, the applicant is not choosing either as of now.

Mr. Morton stated that his client does not have reservations about changing the drives; the object of this store is for easy accessibility.

Mr. Curtis stated safety is the greatest concern and the orientation of Hwy 62, Hwy 72, and these drives does not appear to be the safest option.

Mr. Tucker stated it is worth asking the client what options they are willing to try.

Mr. Homeyer stated it is worth asking AHTD if a signal will be installed at this intersection.

Mr. Cole asked it was same owner/operator for both liquor store and restaurant.

Mr. Morton confirmed.

Mr. Cole asked if a billboard was on site.

Mr. Morton confirmed.

Mr. Curtis stated that the private drive to the west could be used as an entrance to this property.

Mr. Morton stated the private drive is gravel and not owned by the developer.

Mr. Curtis stated he is worried about approving this commercial development and creating a hazard.

Other Business: None

STAFF UPDATES:

A. Administrative Approvals

I. Osterfeld Minor Subdivision, Tract Split, #14-462, Sunrise Rd., Gravette 15-07334-000

- Lot 18A – 5.10 acres
- Lot 17A – 5.00 acres
- Both lots retained original acreage after adjustment

- Approved August 19, 2014

DISCUSSION ITEMS:

- A. First reading of Benton County Planning and Development Regulations will be August 28th, 2014
Quorum Court meeting**

Meeting Adjourned at 7:43pm.

Sign-in Sheet

Date: 8/20/2014

[illegible]